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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/674,870
Filing Date: December 18, 2000
Appellant(s): KALSI, GURBINDER SINGH

Karin H. Butchko
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 26, 2007 appealing from the Office action mailed July 6, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,653,484	Brackmann et al.	8-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 14, 18, 19, 29 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,653,484 to Brackmann et al.

Brackmann et al. '484 disclose a housing (figure 1); a pawl (2); at least one of an inside and outside lock link (5); a release member (24); a first position wherein operation of an associated release member causes movement of the pawl to release the latch (actuation of handle 24 moves 5 to move 3 releasing the pawl 2) and a second position at which operation of the release member does not cause movement of the pawl (column 3, lines 49-50; actuation of the handle 24 does not cause movement of the pawl 2 since the connection is broken when movement of 5 does not cause movement of the next link in the chain of movement); the at least one lock link is mounted such that movement of the pawl is necessarily accompanied by movement of the at least one lock link (when the pawl is moved the lock link was moved earlier in the chain of movements, when in the second position the pawl will not be moved), the at least one lock link is pivotally mounted for rotational movement between the first and second positions (figure 1).

As concerns claim 2, the pawl is rotatably mounted (figure 1).

As concerns claim 3, a pawl lifter (10), the at least one lock link is mounted on the pawl lifter (figures 2 and 3, in contact with each other).

As concerns claim 5, both an inside and outside lock link (4 and 5) mounted for movement with the pawl (when 4 or 5 move, pawl 2 will also move).

As concerns claim 14, a power actuator (connection between 24 and 5 acts as a power actuator by transferring power from 24 to 5 and powering actuation of 5).

As concerns claim 18, a lock mode (locked) and a release mode (unlocked); a single power actuator (21).

As concerns claim 19, a lock mode (locked), a super lock mode (both inside and outside locked, actuators will not release).

As concerns claims 29, 33 and 34, the at least one lock link is mounted for rotation about a common first axis with the pawl (an axis of the housing coming out of the page, wherein if the housing were rotated about this axis the at least one lock link and pawl would both rotated about this axis). Furthermore, applicant's drawings do not clearly show the axis of the pawl for which it is connected to the housing.

As concerns claim 32, both an inside and outside lock link (4 and 5) mounted for movement with the pawl (when 4 or 5 move, pawl 2 will also move). It is unclear if applicant is intending to recite that the pawl moves upon simultaneous rotation of both the outside and inside lock link. The claim has not been rejected upon that interpretation.

(10) Response to Argument

The Appellant argues Brackmann does not disclose the limitations of claims 1 and 2, particularly that at least one of an inside and outside lock link is mounted to be movable between a first position at which operation of an associated release member causes movement of the pawl to release the latch and a second position at which operation of the associated release member does not cause movement of the pawl.

The Appellant argues only one particular scenario of Brackmann that is not an absolute to absolve Brackmann from anticipating the claim limitations.

Brackmann disclose a first position wherein operation of an associated release member (24) causes movement of the pawl (2) to release the latch (24 is moved and since it is connected to 5, 5 moves to move 3 resulting in movement of 2 releasing the latch 8). See also at least Brackmann col. 3, lines 14-23.

Brackmann disclose a second position at which operation of the release member does not cause movement of the pawl (column 3, lines 49-50; actuation of the handle 24 does not cause movement of the pawl 2 since the connection is broken when movement of 5 does not cause movement of the next link in the chain of movement).

Thus, Brackmann does indeed anticipate this limitation of the claim.

The Appellant argues Brackmann does not disclose the limitations of claims 1 and 2, particularly that the outside actuating lever is mounted such that movement of the pawl is necessarily accompanied by movement of the outside actuating lever.

The Appellant further argues a scenario for Brackmann during a "re-latching". The claim does not recite the movement corresponds during a "re-latching". Furthermore such a scenario

during "re-latching" is only one particular scenario and not an absolute to absolve Brackmann from anticipating the claim limitations.

Brackmann disclose both an inside (4) and outside lock links (5) and a pawl (2). Brackmann at column 3, lines 41-44 recite "it couples *the levers 4 and 5* to the lever 3 so that *actuation of either lever* moves the pin 17 down, thereby pivoting down the tab 28 of the lever 3 to engage the pin 27 of *the pawl 2 and thereby open the latch*" (emphasis added). This passage discloses that movement of the pawl is accompanied by movement of at least the inside and outside lock link. Accordingly, Brackmann meets this limitation of the claim.

The Appellant argues: Brackmann does not anticipate claim 3, particularly "the outside actuating lever being mounted on the link lever as is claimed".

The Examiner disagrees since the claims have been given the broadest reasonable interpretation. It appears the metes and bounds of the claim term "mounted on" are of particular interest. The Examiner has interpreted the term "mounted on" as being "place oneself upon" such that the two elements are in resting contact with each other and therefore provide for a reasonable interpretation of the claim language. Brackmann satisfies this limitation since Figures 2 and 3 shows the pawl lifter 10 "mounted on" at least the outside lock link 5. Figure 2 shows the lifter 10 in contact with the link 5 and Figure 3 shows the lifter 10 above the link 5, which both satisfy the reasonable interpretation of the term "mounted on" by being above and in contact with the respective elements.

The Appellant argues: Brackmann do not anticipate claim 14, particularly even though the actuation of the outside door handle 24 is needed to cause actuation of the outside actuating lever 5, this is not powered actuation, the actuation is manual.

The Examiner disagrees since the claim has been given the broadest reasonable interpretation. Brackmann discloses a connection between 24 and 5 that acts as a power actuator by transferring power from 24 to 5 and powering actuation of 5. Even if such an actuation is considered to be manual it still provides powered actuation, since the power can be provided via mechanical power, wherein power is work done over a rate of time. Limitations from the specification are not read into the claim and the term powered actuation has not been interpreted to include it as being "electrically" or "motor" powered actuation. Such an interpretation is not inherent to the term "powered actuation" and would thus be an unreasonably narrow interpretation of the metes and bounds of the claim.

The Appellant argues: Brackmann does not anticipate claims 18 and 19, particularly Brackmann does not disclose a single power actuator that changes the latch mechanism between alternate states of each of a set of modes.

The Examiner disagrees since Brackmann discloses the structure 21 that satisfies the claim limitation of a "single power actuator" since it meets the functional limitations of changing the mechanism between states of a set with at least a lock mode (locked) and at least a release mode (unlocked). Brackmann at least at column 3, lines 28-34 disclose the key-cylinder 21 operates the inside locking lever 6 that operates main locking lever 7. Therefore the key-cylinder provides a power actuator for changing the latch mechanism between a lock mode (locked

position) and a release mode (unlocked position). The key-cylinder is a "power" actuator since it requires mechanical power for the actuator to provide the changes of state. Limitations from the specification are not read into the claim and the term powered actuation has not been interpreted to include it as being "electrically" or "motor" powered actuation. Such an interpretation is not inherent to the term "powered actuation" and would thus be an unreasonably narrow interpretation of the metes and bounds of the claim.

The Appellant argues Brackmann does not disclose the limitations of claim 32.

The Appellant states that Brackmann do not disclose that the outside actuating lever 5 and the inside actuating lever 4 are mounted such that movement of the pawl 2 is necessarily accompanied by movement of both the outside actuating lever 5 and the inside actuating lever 4. The Appellant further argues a scenario for Brackmann during a "re-latching". The claim does not recite the movement corresponds during a "re-latching". Furthermore such a scenario during "re-latching" is only one particular scenario and not an absolute to absolve Brackmann from anticipating the claim limitations.

Brackmann disclose both an inside (4) and outside lock links (5) and a pawl (2). Brackmann at column 3, lines 41-44 recite "it couples *the levers 4 and 5* to the lever 3 so that *actuation of either lever* moves the pin 17 down, thereby pivoting down the tab 28 of the lever 3 to engage the pin 27 of *the pawl 2 and thereby open the latch*" (emphasis added). This passage discloses that movement of the pawl is accompanied by movement of the inside and outside lock link, thus meeting the claim limitation.

The Appellant argues Brackmann does not disclose the limitations of claim 5.

The Appellant states that Brackmann does not disclose that the outside actuating lever 5 and the inside actuating lever 4 are mounted such that movement of the pawl 2 is necessarily accompanied by movement of both the outside actuating lever 5 and the inside actuating lever 4. The Appellant further argues a scenario for Brackmann during a "re-latching". The claim does not recite the movement corresponds during a "re-latching". Furthermore such a scenario during "re-latching" is only one particular scenario and not an absolute to absolve Brackmann from anticipating the claim limitations.

Brackmann disclose both an inside (4) and outside lock links (5) and a pawl (2). Brackmann at column 3, lines 41-44 recite "it couples *the levers 4 and 5* to the lever 3 so that *actuation of either lever* moves the pin 17 down, thereby pivoting down the tab 28 of the lever 3 to engage the pin 27 of *the pawl 2 and thereby open the latch*" (emphasis added). This passage discloses that movement of the pawl is accompanied by movement of the inside and outside lock link, thus meeting the claim limitation.

The Appellant argues Brackmann does not disclose the limitations of claim 29, particularly "movement of the pawl is necessarily accompanied by movement of the link."

The Appellant states that Brackmann does not disclose that the outside actuating lever 5 and the inside actuating lever 4 are mounted such that movement of the pawl 2 is necessarily accompanied by movement of both the outside actuating lever 5 and the inside actuating lever 4. The Appellant further argues a scenario for Brackmann during a "re-latching". The claim does not recite the movement corresponds during a "re-latching". Furthermore such a scenario during

"re-latching" is only one particular scenario and not an absolute to absolve Brackmann from anticipating the claim limitations.

Brackmann disclose both an inside (4) and outside lock links (5) and a pawl (2). Brackmann at column 3, lines 41-44 recite "it couples *the levers 4 and 5* to the lever 3 so that *actuation of either lever* moves the pin 17 down, thereby pivoting down the tab 28 of the lever 3 to engage the pin 27 of *the pawl 2 and thereby open the latch*" (emphasis added). This passage discloses that movement of the pawl is accompanied by movement of the inside and outside lock link, thus meeting the claim limitation.

The Appellant argues Brackmann does not disclose the limitations of claim 29, particularly that at least one of the inside and outside lock link is "mounted for rotation about a common first axis with the pawl."

The Examiner disagrees since the claims have been given the broadest reasonable interpretation. The claim recites a "common first axis". Such an axis can be chosen arbitrarily since the claims do not recite any particular limitation to define the location of such an axis, only that at least one of the lock links and the pawl rotate about this "common" axis. Therefore in Brackmann at Figure 1, an axis of the housing coming out of the page, would satisfy as a "common axis" since if the housing were rotated about this axis the at least one lock link and pawl would both be rotating about this common axis.

The Appellant argues Brackmann does not disclose the limitations of claim 33 and 34, particularly "movement of the pawl is necessarily accompanied by movement of the link."

The Appellant states that Brackmann does not disclose that the outside actuating lever 5 and the inside actuating lever 4 are mounted such that movement of the pawl 2 is necessarily accompanied by movement of both the outside actuating lever 5 and the inside actuating lever 4. The Appellant further argues a scenario for Brackmann during a "re-latching". The claim does not recite the movement corresponds during a "re-latching". Furthermore such a scenario during "re-latching" is only one particular scenario and not an absolute to absolve Brackmann from anticipating the claim limitations.

Brackmann disclose both an inside (4) and outside lock links (5) and a pawl (2). Brackmann at column 3, lines 41-44 recite "it couples *the levers 4 and 5* to the lever 3 so that *actuation of either lever* moves the pin 17 down, thereby pivoting down the tab 28 of the lever 3 to engage the pin 27 of *the pawl 2 and thereby open the latch*" (emphasis added). This passage discloses that movement of the pawl is accompanied by movement of the inside and outside lock link, thus meeting the claim limitation.

The Appellant argues Brackmann does not disclose the limitations of claims 33 and 34, particularly that at least one of the inside and outside lock link is "mounted for rotation about a common first axis with the pawl."

The Examiner disagrees since the claims have been given the broadest reasonable interpretation. The claim recites a "common first axis". Such an axis can be chosen arbitrarily since the claims do not recite any particular limitation to define the location of such an axis, only that at least one of the lock links and the pawl rotate about this "common" axis. Therefore in Brackmann at Figure 1, an axis of the housing coming out of the page, would satisfy as a

"common axis" since if the housing were rotated about this axis the at least one lock link and pawl would both be rotating about this common axis.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

John B. Walsh

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